

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: March 27, 2012 (Consent)	AGENDA NO.:
SUBJECT: a. Authorize the additional expenditure of \$50,000 from the County’s Capital Projects Fund 402 to Aromas Water District to finalize preparations for the creation of an assessment district and conduct of a Proposition 218 majority protest procedure for the connection of Oak Ridge Mutual Water Company and a portion of Via Del Sol Drive Area to the Aromas Water System; b. Transfer \$50,000 from County Capital Projects Fund 402, Unit 8174, Account 7521, Buildings and Improvements to Account 7201, Contributions to Other Agencies; c. Authorize the RMA Director to execute an amendment No. 1 to the Agreement with the Aromas Water District outlining the Agreement Terms for Funding of specified work and repayment via successful Proposition 218 Assessment District; d. Consider the Mitigated Negative Declaration approved by the Aromas Water District for this project in taking the actions set forth above, and find on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment with implementation of mitigation measures; and, e. Authorize, should Assessment District fail, the County funds provided to Aromas Water District will be deemed a County Contribution without repayment.	
DEPARTMENT: RMA – Public Works	

RECOMMENDATION:

It is Recommended that the Board of Supervisors:

- a. Authorize the additional expenditure of \$50,000 from the County’s Capital Projects Fund 402 to Aromas Water District to finalize preparations for the creation of an assessment district and conduct of a Proposition 218 majority protest procedure for the connection of Oak Ridge Mutual Water Company and portion of Via Del Sol Drive Area to the Aromas Water System;
- b. Transfer \$50,000 from County Capital Projects Fund 402, Unit 8174, Account 7521, Buildings and Improvements to Account 7201, Contributions to Other Agencies;
- c. Authorize the RMA Director to execute an amendment No. 1 to Agreement with the Aromas Water District outlining the Agreement Terms for Funding of specified work and repayment via successful Proposition 218 Assessment District; and;
- d. Consider the Mitigated Negative Declaration approved by the Aromas Water District for this project in taking the actions set forth above, and find on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment with implementation of mitigation measures; and,
- e. Authorize, should Assessment District fail, the County funds provided to Aromas Water District will be deemed a County Contribution without repayment.

SUMMARY/DISCUSSION:

In April of 2010, the Board approved the expenditure of \$155,000 from the County’s Capital Projects Fund 402 to Aromas Water District (“District”) for preparation of an Engineer’s Report to include surveying, engineering and design fees, Appraisers Fee, LAFCO Report Fee and Environmental Document costs for the connection of Oak Ridge Mutual Water Company and portion of Via Del Sol Drive Area to the Aromas Water System (the sum of \$7,500 was previously advanced under the authority of the CAO). A copy of the Board Report for that item,

which sets forth the background for this matter, and the Board Order are enclosed as Attachment A. The District has proceeded with the work, and the next steps towards creation of an assessment district and conduct of a Proposition 218 majority protest procedure are now ready to be taken. Enclosed as Attachment B is a copy of a letter from the District requesting the additional funding. Consistent with the prior agreement with the District, it is now necessary for the County to advance additional funds for these purposes. The District has indicated that these final steps can be accomplished for an additional amount not to exceed \$50,000.

As with the previously authorized advances, if an assessment district is successfully formed to implement this project the District will repay the total sum advanced (\$212,500). Should a majority protest occur, and the formation of a district fail, the County funds provided to the District will be deemed a County Contribution without repayment. County Counsel has determined that: "The County of Monterey has a legitimate public purpose in the use of its funds for this purpose. The project will contribute to the public health, safety, and welfare by contributing to a project designed to provide potable water to certain County residents in a situation where those citizens do not have a reliable source of potable water."

OTHER AGENCY INVOLVEMENT:

The RMA Director has been apprised of the additional expenditure of \$50,000 from the Capital Projects Fund to provide to the District. County Counsel will assist the RMA Director in preparing an amendment to the existing Agreement between the County and the District for this additional funding.

The District previously approved a mitigated negative declaration ("MND") for this project, a copy of which and its approving resolution, are enclosed as Attachment C. The County is a Responsible Agency pursuant to CEQA, and it will be necessary for the Board of Supervisors to consider the MND (but not approve it) in approving this additional funding, and find on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment with implementation of mitigation measures.

FINANCING:

There are sufficient appropriations in the Capital Projects Fund to provide for this \$50,000 expenditure of funds for the preparation of this critical work.

Prepared By:

Approved by:

Leslie J. Girard
Assistant County Counsel

Benny Young
RMA Director

Date: _____

Date: _____

Attachments: Board Order
April 13, 2010, Board Report and Order
Letter from Aromas Water District
District Resolution & Mitigated Negative Declaration

cc: Lew Bauman, CAO
Paul Greenway, Director of Public Works
Michael J. Miller, Auditor-Controller